

BRIAN J. STRETCH (CABN 163973)
United States Attorney

BARBARA J. VALLIERE (DCBN 439353)
Chief, Criminal Division

BRIAN R. FAERSTEIN (CABN 274850)
Assistant United States Attorney

450 Golden Gate Ave., Box 36055
San Francisco, California 94102
Telephone: (415) 436-6473
Fax: (415) 436-7234
E-Mail: brian.faerstein@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	Case No. CR 16-00044 WHA
)	
Plaintiff,)	STIPULATION AND PROPOSED ORDER
v.)	APPLYING SEIZED FUNDS TO
)	DEFENDANT'S RESTITUTION DEBT AND
LEONARD NATHANIEL HEATH,)	ORDER OF DISTRIBUTION
)	
Defendant.)	
)	
)	

Plaintiff United States of America ("Plaintiff") and Defendant Leonard Nathaniel Heath ("Defendant"), by and through counsel, enter into this stipulation based on the following facts:

RECITALS

A. Defendant is indebted to the United States in the original amount of \$18,796 (consisting of \$18,696 in restitution and a \$100.00 special assessment) arising out of a Judgment in a Criminal Case (the "Judgment") entered on October 6, 2016, in the United States District Court for the Northern District of California in the above-captioned matter.

1 B. As of the date of this stipulation, Defendant has not made any payments toward the
2 criminal monetary penalties imposed upon him as a result of the criminal conduct for which he was
3 convicted. As of October 14, 2016, Defendant has an unpaid balance of approximately \$ 18,696 on the
4 restitution debt.

5 C. Pursuant to a search of Defendant's room at a halfway house facility in connection with
6 and following his arrest pursuant to a federal arrest warrant, the Federal Bureau of Investigation ("FBI")
7 seized funds from the Defendant in the amount of Three Thousand One hundred and Twenty Dollars
8 (\$3,120).

9 D. Defendant owns or has a substantial interest in the funds seized by the FBI.

10 E. The seized funds are currently in the possession of the FBI.

11 F. Plaintiff maintains that the funds being held by the FBI in which Defendant has a
12 substantial interest are subject to the Government's continuing interest in the satisfaction of the
13 judgment entered against Defendant pursuant to 18 U.S.C. § 3613 (a), (f) and § 3664 (m)(1)(A)(ii).

14 G. At the October 4, 2016 sentencing hearing held in the above-captioned case, the Court
15 held that funds turned over and applied to Restitution shall be paid first to the individual victim and
16 second to the named victim bank identified in the Judgment.

17 H. The parties agree that the funds being held by the FBI should be turned over and applied
18 to Defendant's outstanding restitution balance.

19 I. The parties further agree that all restitution payments shall be paid first to the individual
20 victim named in the Judgment before any distributions are paid to the named bank victim pursuant to 18
21 U.S.C. § 3664(i).

22 Based on the foregoing recitals, the parties stipulate and agree that:

23 **STIPULATION**

24 1. Funds in the amount of Three Thousand One hundred and Twenty Dollars (\$3,120),
25 belonging to Defendant, and currently in the possession of the FBI, will be turned over for payment of
26 the outstanding restitution obligation imposed against Defendant.

2. The Court may order the FBI to turn over the aforementioned funds to Clerk of the Court for payment of Defendant's outstanding restitution obligation. Said funds will be made payable to the United States District Court Clerk, and mailed to The United States District Court Clerk, 450 Golden Gate Avenue, 16th Fl., San Francisco, CA 94102.

3. Pursuant to 18 U.S.C. § 3664(i), the Court shall order the Clerk of the Court to distribute all funds recovered and applied to Defendant's outstanding restitution balance first to the individual victim identified in Criminal Case No. 16CR00044 WHA and after the individual victim receives full restitution, the Clerk of the Court may distribute all future restitution payments to the named bank victim identified in Criminal Case No. 16 CR00044 WHA.

IT IS SO STIPULATED.

Dated: October 18, 2016

BRIAN J. STRETCH

United States Attorney

____/s/_____

BRIAN R. FAERSTEIN

Assistant United States Attorney

Dated: October 18, 2016

____/s/_____

DANIEL BLANK

Attorney for LEONARD NATHANIEL HEATH


~~PROPOSED~~ ORDER

The Court, having considered the parties' Stipulation, and good cause appearing, hereby APPROVES the stipulation and ORDERS as follows:

IT IS ORDERED that funds in the amount of Three Thousand One hundred and Twenty Dollars (\$3,120), belonging to Defendant, and held by the Federal Bureau of Investigation be turned over to the Clerk of the Court for payment of the outstanding restitution obligation imposed against Defendant. Said funds should be made payable to the United States District Court Clerk, and mailed to The United States District Court Clerk, 450 Golden Gate Avenue, 16th Fl., San Francisco, CA 94102.

IT IS FURTHER ORDERED that the Clerk of the Court shall first distribute all funds recovered and applied to Defendant's outstanding restitution balance to the individual victim identified in Criminal Case No. 16CR00044 WHA and second, after the individual victim receives full restitution, distribute any future restitution payments to the named bank victim identified in Criminal Case No. 16CR00044 WHA.

DATED: October 18, 2016.


HONORABLE WILLIAM ALSUP
United States District Judge